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REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 112, recite statutory subject matter under 35 U.S.C. § 101, and are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 112

Claims 4 and 32 stand rejected under 35 U.S.C. § 112, second paragraph as failing to particularly point out and distinctly claim the subject matter of the invention. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner noted that in claims 4 and 32, the term "ad creative" lacks proper antecedent basis. These claims have been amended to recite "ad creative information", which has proper antecedent basis. Consequently, the applicant respectfully submits that

these claims comply with 35 U.S.C. § 112, and requests that this rejection be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 1-5 and 29-33 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The Examiner contends that the resulting determination made in claims 1 and 29 does not produce a useful, concrete and tangible result. The Examiner did, however, indicate that dependent claims 6 and 34 appear to overcome this deficiency of claims 1 and 29, respectively. (See Paper No. 20060706, page 4.) Claims 1 and 29 have been amended to include the recitations of dependent claims 6 and 34 (now canceled). Consequently, claims 1 and 29 now recite statutory subject matter even under the test for determining statutory subject matter applied by the Examiner. Therefore, the applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection.

Rejections under 35 U.S.C. § 102

Claims 1-6 and 29-34 stand rejected as being anticipated by U.S. Patent No. 6,876,997 ("the Rorex patent"). The applicant respectfully requests that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 1 and 29, as amended, are not anticipated by the Rorex patent at least because the Rorex patent does not teach acts of (or means for) determining landing page information and/or ad creative information ***using a search result*** (which was generated using a search query and an index of advertiser Web page information), and generating an ad using the determined landing page information and/or ad creative information.

The Rorex patent discusses a system in which a search request is received from a searcher (e.g., client 122 of Figure 1) and used to perform a search on a pay for placement database (e.g., 104 of Figure 1). The pay for placement database stores search listings including web page locators and bid amounts to be paid by the operator of the listed web page. The search using the pay for placement database produces search results which are presented to the searcher (e.g., 310 of Figures 3a and 3b). The search request is also used to perform a search on a related search database (e.g., 106 of Figure 1). The related search database was formed at least in part using contents of the pay for placement database. The search of the related search database produces a list of related searches which are presented to the searcher (e.g., 314 and 318 of Figure 3b).

In applying the Rorex patent to the claimed invention, the Examiner's position is apparently that the search result listings from the pay for placement database are themselves advertisements. (See Paper No. 20060706, page 6.) Even assuming, arguendo, that the search listings from the payer for placement database can be characterized as advertisements, they are not generated using landing page information and/or ad

creative information ***determined using a search result*** (which was generated using a search query and an index of advertiser Web page information). That is, if a search result in the Rorex patent is an advertisement, it was not generated using information ***determined from a search result***.

Thus, independent claims 1 and 29, as amended, are not anticipated by the Rorex patent for at least the foregoing reason. Since claims 2-5 depend from claim 1 and since claims 30-33 depend from claim 29, these claims are similarly not anticipated by the Rorex patent.

Further, independent claims 1 and 29, as amended, also recite that the generated ad is maintained as distinct from search result(s) on a generated search result page. This further distinguishes the claimed invention over the Rorex patent because under the Examiner's interpretation of the Rorex patent, the search results are themselves the advertisements. Thus, independent claims 1 and 29, as amended, are not anticipated by the Rorex patent for at least this additional reason. Since claims 2-5 depend from claim 1 and since claims 30-33 depend from claim 29, these claims are similarly not anticipated by the Rorex patent.

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Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.

Respectfully submitted,

November 17, 2006

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

John C. Pokotylo
Type or print name of person signing certification

Signature

November 17, 2006
Date